

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DIANE VAUGHAN,

Plaintiff,

CIVIL ACTION NO. 05 CV 74625 DT

v.

DISTRICT JUDGE MARIANNE O. BATTANI

JOSEPH BOBBY, Individually and in
his official capacity as Justice of
Westland Police in Westland, Michigan,
in the County of Wayne, a United
States employee,

MAGISTRATE JUDGE VIRGINIA MORGAN

Defendant.

**ORDER DENYING DEFENDANT'S MOTION TO
STRIKE PLAINTIFF'S SECOND COMPLAINT**

This matter is before the court on Defendant Officer Joseph Bobby's Motion to Strike Plaintiff's Second Complaint filed March 6, 2006. No oral argument was conducted. The court has reviewed the docket and finds that no document has been filed purporting to be a second amended complaint, nor has anything been filed that could be construed as such. Therefore,

IT IS ORDERED the Motion IS DENIED without prejudice as premature. Plaintiff is directed to the Federal Rules of Civil Procedure, Rule 15, which requires leave of court before any amended pleading is filed. No costs to either side.

s/Virginia M. Morgan
VIRGINIA M. MORGAN
UNITED STATES MAGISTRATE JUDGE

Dated: March 9, 2006

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PROOF OF SERVICE

The undersigned certifies that the order was served upon Diane Vaughan and counsel of record via the Court's ECF System and/or U. S. Mail at the address disclosed on the notice of electronic filing on March 9, 2006.

s/Jennifer Hernandez
Case Manager to
Magistrate Judge Virginia M. Morgan